

REMARKS

In the Office Action dated April 5, 2005, Claims 41-47 and 49-53 were finally rejected under 35 U.S.C. §102(e) as allegedly anticipated by Takamitsu et al. (CA 2,096,672).

In this Amendment, Applicants propose amending Claim 41 and canceling Claim 53. Thus, upon entry of the Amendment, Claims 41-47 and 49-52 will be pending, Claim 41 being an independent claim.

Applicants respectfully submit that pending Claims 41-47 and 49-52 are patentable over Takamitsu et al. Amended Claim 41, for instance, recites a personal care absorbent article, comprising a front portion including opposing first and second lateral side portions defining respective first and second lateral side edges, and a central section defining a fastening area between the first and second lateral side portions, first and second fault lines being disposed between the fastening area and the respective first and second lateral side portions; a rear portion including an outer rear edge, the first and second fault lines being configured for activation to selectively release the front portion from the rear portion for use of the personal care absorbent article as a diaper-like article; a crotch portion extending between said front portion and said rear portion; and first and second fasteners releasably secured to the fastening area, and non-releasably secured to the front portion without penetrating the front portion, the first and second fasteners being spaced apart from the first and second lateral side edges of the front portion and spaced axially apart from a waist opening and from respective leg openings, the first and second fasteners being adjustable in the fastening area without activation of the first and second fault lines. Applicants respectfully submit that Takamitsu et al. does not disclose or suggest each and every element of Claim 41 as amended.

Takamitsu et al. is directed to strengthening its most distant opposing side portions 3 of a diaper by having fastening flaps 6 bonded together along bond lines 8 at the side portions 3 as shown, for instance, in Figure 4. Specifically, the flaps 6 are attached to (not spaced apart from) the side portions 3. Moreover, as Figures 1, 2, 6 and 8 show, the flaps 6 extend axially all the way from a waist opening to leg openings of the diaper. Additionally, the bond lines 8 extend through all three layers of the diaper: the front body 1, the rear body 2 and the opposing side portions 3. The cited reference makes clear as a whole that the foregoing arrangement and attachment of the flaps 6 are essential to the structural integrity of the diaper. See, e.g., abstract and page 6 of Takamitsu et al. No other arrangement is disclosed or suggested for the flaps 6.

Applicants respectfully submit that Claim 41 as amended is not anticipated by Takamitsu et al. and is therefore allowable. Applicants further respectfully submit that the proposed Amendment adds no new matter requiring a new search by the Examiner, responds directly to all matters raised in the Office Action, and places the application in complete condition for allowance. Accordingly, Applicants respectfully request entry of the Amendment, removal of the rejection to Claim 41 and its allowance and allowance of Claims 42-47 and 49-52 dependent on Claim 41.

If the Examiner has any questions upon consideration of this proposed Amendment, Applicants invite the Examiner to contact the undersigned at the Examiner's convenience.

Please charge any fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.

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Date



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